

Rep. Ray Franz

From: Cullen, Marc <Marc.Cullen@stjohn.org>
Sent: Tuesday, March 8, 2016 4:06 PM
To: Rep. Ray Franz
Subject: HIB:4125

Dear Representative Franz,

I am writing to ask your support in opposing the amendment to HIB:4125 that would prohibit out of state retailers from shipping wine to Michigan.

I oppose this amendment for a variety of reasons:

- It will bar consumers from accessing thousands of wines not available locally
- Since only retailers sell imported wines in the U.S., it would allow the shipment of domestic wines to Michigan consumers (from out of state wineries), but bar the shipment of all imported wines
- If Michigan can successfully regulate out of state winery shipping it certainly can regulate the small number of retailers that would obtain the permit to ship to Michigan consumers
- By allowing and taxing shipments from out of state retailers, Michigan won't have to expend money on chasing a black market and will receive additional tax revenues remitted by out of state retailers.
- A Michigan Federal District Judge ruled in 2009 that an identical Michigan law that only let Michigan consumers to have wine shipped from in-state retailers violated the Constitutional restrictions on **discriminating against interstate commerce.**
- No other industry (shoes, books, clothing, etc) would even think of asking the legislature to protect it from competition by barring the shipment of products from out of state.
- Michigan's Three Tier System (producers selling to wholesalers, who sell to retailers, who sell to consumers) is unaffected by this allowing out-of-state retailers to ship to consumers since every wine sold in Michigan retailer outlets will continue to be sold through that strict Three Tier System.

I SUPPORT THIS ORIGINAL BILL AS IT GIVES MICHIGAN CONSUMERS FREE MARKET ACCESS TO THE NATIONAL MARKETPLACE FOR WINE AND GIVES CONSUMERS ACCESS TO THOUSANDS OF WINES THEY CANNOT OBTAIN LOCALLY.

Thank you for your attention and support.

Sincerely,

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